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| Adopted | Rejected |
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## COMMITTEE REPORT

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| YES: | 10 |
| NO:  | 3  |

### MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1556, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1           Page 4, after line 39, begin a new paragraph and insert:  
 2           "SECTION 3. IC 22-3-7-16, AS AMENDED BY P.L.31-2000,  
 3           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4           JULY 1, 2001]: Sec. 16. (a) Compensation shall be allowed on account  
 5           of disablement from occupational disease resulting in only temporary  
 6           total disability to work or temporary partial disability to work  
 7           beginning with the eighth day of such disability except for the medical  
 8           benefits provided for in section 17 of this chapter. Compensation shall  
 9           be allowed for the first seven (7) calendar days only as provided in this  
 10          section. The first weekly installment of compensation for temporary  
 11          disability is due fourteen (14) days after the disability begins. Not later  
 12          than fifteen (15) days from the date that the first installment of  
 13          compensation is due, the employer or the employer's insurance carrier  
 14          shall tender to the employee or to the employee's dependents, with all

1 compensation due, a properly prepared compensation agreement in a  
 2 form prescribed by the board. Whenever an employer or the employer's  
 3 insurance carrier denies or is not able to determine liability to pay  
 4 compensation or benefits, the employer or the employer's insurance  
 5 carrier shall notify the worker's compensation board and the employee  
 6 in writing on a form prescribed by the worker's compensation board not  
 7 later than thirty (30) days after the employer's knowledge of the  
 8 claimed disablement. If a determination of liability cannot be made  
 9 within thirty (30) days, the worker's compensation board may approve  
 10 an additional thirty (30) days upon a written request of the employer or  
 11 the employer's insurance carrier that sets forth the reasons that the  
 12 determination could not be made within thirty (30) days and states the  
 13 facts or circumstances that are necessary to determine liability within  
 14 the additional thirty (30) days. More than thirty (30) days of additional  
 15 time may be approved by the worker's compensation board upon the  
 16 filing of a petition by the employer or the employer's insurance carrier  
 17 that sets forth:

- 18 (1) the extraordinary circumstances that have precluded a
- 19 determination of liability within the initial sixty (60) days;
- 20 (2) the status of the investigation on the date the petition is filed;
- 21 (3) the facts or circumstances that are necessary to make a
- 22 determination; and
- 23 (4) a timetable for the completion of the remaining investigation.

24 An employer who fails to comply with this section is subject to a civil  
 25 penalty of fifty dollars (\$50), to be assessed and collected by the board  
 26 upon notice and hearing. Civil penalties collected under this section  
 27 shall be deposited in the state general fund.

28 (b) Once begun, temporary total disability benefits may not be  
 29 terminated by the employer unless:

- 30 (1) the employee has returned to work;
- 31 (2) the employee has died;
- 32 (3) the employee has refused to undergo a medical examination
- 33 under section 20 of this chapter;
- 34 (4) the employee has received five hundred (500) weeks of
- 35 temporary total disability benefits or has been paid the maximum
- 36 compensation allowable under section 19 of this chapter; ~~or~~
- 37 (5) the employee is unable or unavailable to work for reasons
- 38 unrelated to the compensable disease; ~~or~~

**(6) the employee returns to work with limitations or restrictions, and the employer converts temporary total disability or temporary partial disability compensation into disabled from trade compensation under section 16.5 of this chapter.**

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted

1 from any benefits due the employee under this section and, if there are  
2 no benefits due the employee or the benefits due the employee do not  
3 equal the amount of the overpayment, the employee shall be  
4 responsible for paying any overpayment which cannot be deducted  
5 from benefits due the employee.

6 (e) For disablements occurring on and after April 1, 1951, and prior  
7 to July 1, 1971, from occupational disease resulting in temporary total  
8 disability for any work there shall be paid to the disabled employee  
9 during such temporary total disability a weekly compensation equal to  
10 sixty percent (60%) of the employee's average weekly wages for a  
11 period not to exceed five hundred (500) weeks. Compensation shall be  
12 allowed for the first seven (7) calendar days only if the disability  
13 continues for longer than twenty-eight (28) days.

14 For disablements occurring on and after July 1, 1971, and prior to  
15 July 1, 1974, from occupational disease resulting in temporary total  
16 disability for any work there shall be paid to the disabled employee  
17 during such temporary total disability a weekly compensation equal to  
18 sixty percent (60%) of the employee's average weekly wages, as  
19 defined in section 19 of this chapter, for a period not to exceed five  
20 hundred (500) weeks. Compensation shall be allowed for the first seven  
21 (7) calendar days only if the disability continues for longer than  
22 twenty-eight (28) days.

23 For disablements occurring on and after July 1, 1974, and before  
24 July 1, 1976, from occupational disease resulting in temporary total  
25 disability for any work there shall be paid to the disabled employee  
26 during such temporary total disability a weekly compensation equal to  
27 sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average  
28 weekly wages, up to one hundred thirty-five dollars (\$135) average  
29 weekly wages, as defined in section 19 of this chapter, for a period not  
30 to exceed five hundred (500) weeks. Compensation shall be allowed for  
31 the first seven (7) calendar days only if the disability continues for  
32 longer than twenty-one (21) days.

33 For disablements occurring on and after July 1, 1976, from  
34 occupational disease resulting in temporary total disability for any work  
35 there shall be paid to the disabled employee during the temporary total  
36 disability weekly compensation equal to sixty-six and two-thirds  
37 percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wages, as defined  
38 in section 19 of this chapter, for a period not to exceed five hundred

(500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the later period shall be included as part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which he is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included

1 as a part of the maximum period allowed for partial disability.

2 (g) For disabilities occurring on and after April 1, 1951, and prior  
3 to April 1, 1955, from occupational disease in the following schedule,  
4 the employee shall receive in lieu of all other compensation, on account  
5 of such disabilities, a weekly compensation of sixty percent (60%) of  
6 the employee's average weekly wage; for disabilities occurring on and  
7 after April 1, 1955, and prior to July 1, 1971, from occupational disease  
8 in the following schedule, the employee shall receive in addition to  
9 disability benefits not exceeding twenty-six (26) weeks on account of  
10 said occupational disease a weekly compensation of sixty percent  
11 (60%) of the employee's average weekly wages.

12 For disabilities occurring on and after July 1, 1971, and before July  
13 1, 1977, from occupational disease in the following schedule, the  
14 employee shall receive in addition to disability benefits not exceeding  
15 twenty-six (26) weeks on account of said occupational disease a weekly  
16 compensation of sixty percent (60%) of his average weekly wages not  
17 to exceed one hundred dollars (\$100) average weekly wages, for the  
18 period stated for such disabilities respectively.

19 For disabilities occurring on and after July 1, 1977, and before July  
20 1, 1979, from occupational disease in the following schedule, the  
21 employee shall receive in addition to disability benefits not exceeding  
22 twenty-six (26) weeks on account of the occupational disease a weekly  
23 compensation of sixty percent (60%) of the employee's average weekly  
24 wages, not to exceed one hundred twenty-five dollars (\$125) average  
25 weekly wages, for the period stated for the disabilities.

26 For disabilities occurring on and after July 1, 1979, and before July  
27 1, 1988, from occupational disease in the following schedule, the  
28 employee shall receive in addition to disability benefits, not exceeding  
29 fifty-two (52) weeks on account of the occupational disease, a weekly  
30 compensation of sixty percent (60%) of the employee's average weekly  
31 wages, not to exceed one hundred twenty-five dollars (\$125) average  
32 weekly wages, for the period stated for the disabilities.

33 For disabilities occurring on and after July 1, 1988, and before July  
34 1, 1989, from occupational disease in the following schedule, the  
35 employee shall receive in addition to disability benefits, not exceeding  
36 seventy-eight (78) weeks on account of the occupational disease, a  
37 weekly compensation of sixty percent (60%) of the employee's average  
38 weekly wages, not to exceed one hundred sixty-six dollars (\$166)

1 average weekly wages, for the period stated for the disabilities.

2 For disabilities occurring on and after July 1, 1989, and before July  
3 1, 1990, from occupational disease in the following schedule, the  
4 employee shall receive in addition to disability benefits, not exceeding  
5 seventy-eight (78) weeks on account of the occupational disease, a  
6 weekly compensation of sixty percent (60%) of the employee's average  
7 weekly wages, not to exceed one hundred eighty-three dollars (\$183)  
8 average weekly wages, for the period stated for the disabilities.

9 For disabilities occurring on and after July 1, 1990, and before July  
10 1, 1991, from occupational disease in the following schedule, the  
11 employee shall receive in addition to disability benefits, not exceeding  
12 seventy-eight (78) weeks on account of the occupational disease, a  
13 weekly compensation of sixty percent (60%) of the employee's average  
14 weekly wages, not to exceed two hundred dollars (\$200) average  
15 weekly wages, for the period stated for the disabilities.

16 (1) Amputations: For the loss by separation, of the thumb, sixty  
17 (60) weeks; of the index finger, forty (40) weeks; of the second  
18 finger, thirty-five (35) weeks; of the third or ring finger, thirty  
19 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the  
20 hand by separation below the elbow, two hundred (200) weeks; of  
21 the arm above the elbow joint, two hundred fifty (250) weeks; of  
22 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;  
23 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)  
24 weeks; of the fifth or little toe, ten (10) weeks; of the foot below  
25 the knee joint, one hundred fifty (150) weeks; and of the leg  
26 above the knee joint, two hundred (200) weeks. The loss of more  
27 than one (1) phalange of a thumb or toe shall be considered as the  
28 loss of the entire thumb or toe. The loss of more than two (2)  
29 phalanges of a finger shall be considered as the loss of the entire  
30 finger. The loss of not more than one (1) phalange of a thumb or  
31 toe shall be considered as the loss of one-half ( $\frac{1}{2}$ ) of the thumb or  
32 toe and compensation shall be paid for one-half ( $\frac{1}{2}$ ) of the period  
33 for the loss of the entire thumb or toe. The loss of not more than  
34 two (2) phalanges of a finger shall be considered as the loss of  
35 one-half ( $\frac{1}{2}$ ) the finger and compensation shall be paid for  
36 one-half ( $\frac{1}{2}$ ) of the period for the loss of the entire finger.

37 (2) Loss of Use: The total permanent loss of the use of an arm,  
38 hand, thumb, finger, leg, foot, toe, or phalange shall be considered

1 as the equivalent of the loss by separation of the arm, hand,  
2 thumb, finger, leg, foot, toe, or phalange and the compensation  
3 shall be paid for the same period as for the loss thereof by  
4 separation.

5 (3) Partial Loss of Use: For the permanent partial loss of the use  
6 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
7 compensation shall be paid for the proportionate loss of the use of  
8 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

9 (4) For disablements for occupational disease resulting in total  
10 permanent disability, five hundred (500) weeks.

11 (5) For the loss of both hands, or both feet, or the total sight of  
12 both eyes, or any two (2) of such losses resulting from the same  
13 disablement by occupational disease, five hundred (500) weeks.

14 (6) For the permanent and complete loss of vision by enucleation  
15 of an eye or its reduction to one-tenth (1/10) of normal vision with  
16 glasses, one hundred fifty (150) weeks, and for any other  
17 permanent reduction of the sight of an eye, compensation shall be  
18 paid for a period proportionate to the degree of such permanent  
19 reduction without correction or glasses. However, when such  
20 permanent reduction without correction or glasses would result in  
21 one hundred percent (100%) loss of vision, but correction or  
22 glasses would result in restoration of vision, then compensation  
23 shall be paid for fifty percent (50%) of such total loss of vision  
24 without glasses plus an additional amount equal to the  
25 proportionate amount of such reduction with glasses, not to  
26 exceed an additional fifty percent (50%).

27 (7) For the permanent and complete loss of hearing, two hundred  
28 (200) weeks.

29 (8) In all other cases of permanent partial impairment,  
30 compensation proportionate to the degree of such permanent  
31 partial impairment, in the discretion of the worker's compensation  
32 board, not exceeding five hundred (500) weeks.

33 (9) In all cases of permanent disfigurement, which may impair the  
34 future usefulness or opportunities of the employee, compensation  
35 in the discretion of the worker's compensation board, not  
36 exceeding two hundred (200) weeks, except that no compensation  
37 shall be payable under this paragraph where compensation shall  
38 be payable under subdivisions (1) through (8). Where



1 compensation for temporary total disability has been paid, this  
2 amount of compensation shall be deducted from any  
3 compensation due for permanent disfigurement.

4 With respect to disablements in the following schedule occurring on  
5 and after July 1, 1991, the employee shall receive in addition to  
6 temporary total disability benefits, not exceeding one hundred  
7 twenty-five (125) weeks on account of the disablement, compensation  
8 in an amount determined under the following schedule to be paid  
9 weekly at a rate of sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the  
10 employee's average weekly wages during the fifty-two (52) weeks  
11 immediately preceding the week in which the disablement occurred:

12 (1) Amputation: For the loss by separation of the thumb, twelve  
13 (12) degrees of permanent impairment; of the index finger, eight  
14 (8) degrees of permanent impairment; of the second finger, seven  
15 (7) degrees of permanent impairment; of the third or ring finger,  
16 six (6) degrees of permanent impairment; of the fourth or little  
17 finger, four (4) degrees of permanent impairment; of the hand by  
18 separation below the elbow joint, forty (40) degrees of permanent  
19 impairment; of the arm above the elbow, fifty (50) degrees of  
20 permanent impairment; of the big toe, twelve (12) degrees of  
21 permanent impairment; of the second toe, six (6) degrees of  
22 permanent impairment; of the third toe, four (4) degrees of  
23 permanent impairment; of the fourth toe, three (3) degrees of  
24 permanent impairment; of the fifth or little toe, two (2) degrees of  
25 permanent impairment; of separation of the foot below the knee  
26 joint, thirty-five (35) degrees of permanent impairment; and of the  
27 leg above the knee joint, forty-five (45) degrees of permanent  
28 impairment.

29 (2) Amputations occurring on or after July 1, 1997: For the loss  
30 by separation of any of the body parts described in subdivision (1)  
31 on or after July 1, 1997, the dollar values per degree applying on  
32 the date of the injury as described in subsection (h) shall be  
33 multiplied by two (2). However, the doubling provision of this  
34 subdivision does not apply to a loss of use that is not a loss by  
35 separation.

36 (3) The loss of more than one (1) phalange of a thumb or toe shall  
37 be considered as the loss of the entire thumb or toe. The loss of  
38 more than two (2) phalanges of a finger shall be considered as the

1       loss of the entire finger. The loss of not more than one (1)  
 2       phalange of a thumb or toe shall be considered as the loss of  
 3       one-half ( $\frac{1}{2}$ ) of the degrees of permanent impairment for the loss  
 4       of the entire thumb or toe. The loss of not more than one (1)  
 5       phalange of a finger shall be considered as the loss of one-third  
 6       ( $\frac{1}{3}$ ) of the finger and compensation shall be paid for one-third  
 7       ( $\frac{1}{3}$ ) of the degrees payable for the loss of the entire finger. The  
 8       loss of more than one (1) phalange of the finger but not more than  
 9       two (2) phalanges of the finger shall be considered as the loss of  
 10       one-half ( $\frac{1}{2}$ ) of the finger and compensation shall be paid for  
 11       one-half ( $\frac{1}{2}$ ) of the degrees payable for the loss of the entire  
 12       finger.

13       (4) For the loss by separation of both hands or both feet or the  
 14       total sight of both eyes or any two (2) such losses in the same  
 15       accident, one hundred (100) degrees of permanent impairment.

16       (5) For the permanent and complete loss of vision by enucleation  
 17       or its reduction to one-tenth ( $\frac{1}{10}$ ) of normal vision with glasses,  
 18       thirty-five (35) degrees of permanent impairment.

19       (6) For the permanent and complete loss of hearing in one (1) ear,  
 20       fifteen (15) degrees of permanent impairment, and in both ears,  
 21       forty (40) degrees of permanent impairment.

22       (7) For the loss of one (1) testicle, (10) ten degrees of permanent  
 23       impairment; for the loss of both testicles, thirty (30) degrees of  
 24       permanent impairment.

25       (8) Loss of use: The total permanent loss of the use of an arm, a  
 26       hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be  
 27       considered as the equivalent of the loss by separation of the arm,  
 28       hand, thumb, finger, leg, foot, toe, or phalange, and compensation  
 29       shall be paid in the same amount as for the loss by separation.  
 30       However, the doubling provision of subdivision (2) does not  
 31       apply to a loss of use that is not a loss by separation.

32       (9) Partial loss of use: For the permanent partial loss of the use of  
 33       an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a  
 34       phalange, compensation shall be paid for the proportionate loss of  
 35       the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

36       (10) For disablements resulting in total permanent disability, the  
 37       amount payable for impairment or five hundred (500) weeks of  
 38       compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (3), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (4), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(h) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection (d) and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1,

1 1992, and before July 1, 1993, for each degree of permanent  
2 impairment from one (1) to twenty (20), five hundred dollars  
3 (\$500) per degree; for each degree of permanent impairment from  
4 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
5 per degree; for each degree of permanent impairment from  
6 thirty-six (36) to fifty (50), one thousand three hundred dollars  
7 (\$1,300) per degree; for each degree of permanent impairment  
8 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
9 degree.

10 (3) With respect to disablements occurring on and after July 1,  
11 1993, and before July 1, 1997, for each degree of permanent  
12 impairment from one (1) to ten (10), five hundred dollars (\$500)  
13 per degree; for each degree of permanent impairment from eleven  
14 (11) to twenty (20), seven hundred dollars (\$700) per degree; for  
15 each degree of permanent impairment from twenty-one (21) to  
16 thirty-five (35), one thousand dollars (\$1,000) per degree; for  
17 each degree of permanent impairment from thirty-six (36) to fifty  
18 (50), one thousand four hundred dollars (\$1,400) per degree; for  
19 each degree of permanent impairment above fifty (50), one  
20 thousand seven hundred dollars (\$1,700) per degree.

21 (4) With respect to disablements occurring on and after July 1,  
22 1997, and before July 1, 1998, for each degree of permanent  
23 impairment from one (1) to ten (10), seven hundred fifty dollars  
24 (\$750) per degree; for each degree of permanent impairment from  
25 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
26 degree; for each degree of permanent impairment from thirty-six  
27 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
28 degree; for each degree of permanent impairment above fifty (50),  
29 one thousand seven hundred dollars (\$1,700) per degree.

30 (5) With respect to disablements occurring on and after July 1,  
31 1998, and before July 1, 1999, for each degree of permanent  
32 impairment from one (1) to ten (10), seven hundred fifty dollars  
33 (\$750) per degree; for each degree of permanent impairment from  
34 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
35 degree; for each degree of permanent impairment from thirty-six  
36 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
37 degree; for each degree of permanent impairment above fifty (50),  
38 one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(i) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (g) and (h) shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars

- 1 (\$591).
- 2 (4) With respect to disablements occurring on or after July 1,  
3 1994, and before July 1, 1997, six hundred forty-two dollars  
4 (\$642).
- 5 (5) With respect to disablements occurring on or after July 1,  
6 1997, and before July 1, 1998, six hundred seventy-two dollars  
7 (\$672).
- 8 (6) With respect to disablements occurring on or after July 1,  
9 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 10 (7) With respect to disablements occurring on or after July 1,  
11 1999, and before July 1, 2000, seven hundred thirty-two dollars  
12 (\$732).
- 13 (8) With respect to disablements occurring on or after July 1,  
14 2000, and before July 1, 2001, seven hundred sixty-two dollars  
15 (\$762).
- 16 (9) With respect to injuries occurring on or after July 1, 2001, and  
17 before July 1, 2002, eight hundred twenty-two dollars (\$822).
- 18 (10) With respect to injuries occurring on or after July 1, 2002,  
19 eight hundred eighty-two dollars (\$882).
- 20 (j) If any employee, only partially disabled, refuses employment  
21 suitable to his capacity procured for him, he shall not be entitled to any  
22 compensation at any time during the continuance of such refusal  
23 unless, in the opinion of the worker's compensation board, such refusal  
24 was justifiable. The employee must be served with a notice setting forth  
25 the consequences of the refusal under this subsection. The notice must  
26 be in a form prescribed by the worker's compensation board.
- 27 (k) If an employee has sustained a permanent impairment or  
28 disability from an accidental injury other than an occupational disease  
29 in another employment than that in which he suffered a subsequent  
30 disability from an occupational disease, such as herein specified, the  
31 employee shall be entitled to compensation for the subsequent  
32 disability in the same amount as if the previous impairment or  
33 disability had not occurred. However, if the permanent impairment or  
34 disability resulting from an occupational disease for which  
35 compensation is claimed results only in the aggravation or increase of  
36 a previously sustained permanent impairment from an occupational  
37 disease or physical condition regardless of the source or cause of such  
38 previously sustained impairment from an occupational disease or

1 physical condition, the board shall determine the extent of the  
2 previously sustained permanent impairment from an occupational  
3 disease or physical condition as well as the extent of the aggravation or  
4 increase resulting from the subsequent permanent impairment or  
5 disability, and shall award compensation only for that part of said  
6 occupational disease or physical condition resulting from the  
7 subsequent permanent impairment. An amputation of any part of the  
8 body or loss of any or all of the vision of one (1) or both eyes caused by  
9 an occupational disease shall be considered as a permanent impairment  
10 or physical condition.

11 (l) If an employee suffers a disablement from occupational disease  
12 for which compensation is payable while the employee is still receiving  
13 or entitled to compensation for a previous injury by accident or  
14 disability by occupational disease in the same employment, he shall not  
15 at the same time be entitled to compensation for both, unless it be for  
16 a permanent injury, such as specified in subsection (g)(1), (g)(2),  
17 (g)(3), (g)(6), or (g)(7); but the employee shall be entitled to  
18 compensation for that disability and from the time of that disability  
19 which will cover the longest period and the largest amount payable  
20 under this chapter.

21 (m) If an employee receives a permanent disability from  
22 occupational disease such as specified in subsection (g)(1), (g)(2),  
23 (g)(3), (g)(6), or (g)(7), after having sustained another such permanent  
24 disability in the same employment the employee shall be entitled to  
25 compensation for both such disabilities, but the total compensation  
26 shall be paid by extending the period and not by increasing the amount  
27 of weekly compensation and, when such previous and subsequent  
28 permanent disabilities, in combination result in total permanent  
29 disability or permanent total impairment, compensation shall be  
30 payable for such permanent total disability or impairment, but  
31 payments made for the previous disability or impairment shall be  
32 deducted from the total payment of compensation due.

33 (n) When an employee has been awarded or is entitled to an award  
34 of compensation for a definite period under this chapter for disability  
35 from occupational disease, which disablement occurs on and after April  
36 1, 1951, and prior to April 1, 1963, and such employee dies from any  
37 other cause than such occupational disease, payment of the unpaid  
38 balance of such compensation, not exceeding three hundred (300)

1 weeks, shall be made to the employee's dependents of the second and  
 2 third class as defined in sections 11 through 14 of this chapter, and  
 3 compensation, not exceeding five hundred (500) weeks, shall be made  
 4 to the employee's dependents of the first class as defined in sections 11  
 5 through 14 of this chapter. When an employee has been awarded or is  
 6 entitled to an award of compensation for a definite period from an  
 7 occupational disease wherein disablement occurs on and after April 1,  
 8 1963, and such employee dies from other causes than such  
 9 occupational disease, payment of the unpaid balance of such  
 10 compensation not exceeding three hundred fifty (350) weeks shall be  
 11 paid to the employee's dependents of the second and third class as  
 12 defined in sections 11 through 14 of this chapter and compensation, not  
 13 exceeding five hundred (500) weeks shall be made to the employee's  
 14 dependents of the first class as defined in sections 11 through 14 of this  
 15 chapter.

16 (o) Any payment made by the employer to the employee during the  
 17 period of the employee's disability, or to the employee's dependents,  
 18 which, by the terms of this chapter, was not due and payable when  
 19 made, may, subject to the approval of the worker's compensation board,  
 20 be deducted from the amount to be paid as compensation, but such  
 21 deduction shall be made from the distal end of the period during which  
 22 compensation must be paid, except in cases of temporary disability.

23 (p) When so provided in the compensation agreement or in the  
 24 award of the worker's compensation board, compensation may be paid  
 25 semimonthly, or monthly, instead of weekly.

26 (q) When the aggregate payments of compensation awarded by  
 27 agreement or upon hearing to an employee or dependent under eighteen  
 28 (18) years of age do not exceed one hundred dollars (\$100), the  
 29 payment thereof may be made directly to such employee or dependent,  
 30 except when the worker's compensation board shall order otherwise.

31 Whenever the aggregate payments of compensation, due to any  
 32 person under eighteen (18) years of age, exceed one hundred dollars  
 33 (\$100), the payment thereof shall be made to a trustee, appointed by the  
 34 circuit or superior court, or to a duly qualified guardian, or, upon the  
 35 order of the worker's compensation board, to a parent or to such minor  
 36 person. The payment of compensation, due to any person eighteen (18)  
 37 years of age or over, may be made directly to such person.

38 (r) If an employee, or a dependent, is mentally incompetent, or a



1 minor at the time when any right or privilege accrues to the employee  
 2 under this chapter, the employee's guardian or trustee may, in the  
 3 employee's behalf, claim and exercise such right and privilege.

4 (s) All compensation payments named and provided for in this  
 5 section, shall mean and be defined to be for only such occupational  
 6 diseases and disabilities therefrom as are proved by competent  
 7 evidence, of which there are or have been objective conditions or  
 8 symptoms proven, not within the physical or mental control of the  
 9 employee himself.

10 SECTION 4. IC 22-3-7-16.5 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 12 1, 2001]: **Sec. 16.5. (a) If an employee:**

13 **(1) suffers an occupational disease that results in a temporary**  
 14 **total disability or a temporary partial disability; and**

15 **(2) is capable of performing work with permanent limitations**  
 16 **or restrictions that prevent the employee from returning to**  
 17 **the position the employee held before the employee's**  
 18 **occupational disease;**

19 **the employee may receive disabled from trade compensation.**

20 **(b) An employee may receive disabled from trade compensation**  
 21 **for a period not to exceed:**

22 **(1) fifty-two (52) consecutive weeks; or**

23 **(2) seventy-eight (78) aggregate weeks.**

24 **(c) An employee is entitled to receive disabled from trade**  
 25 **compensation in a weekly amount equal to STEP FOUR of the**  
 26 **following formula:**

27 **STEP ONE: Determine the employee's average weekly**  
 28 **earnings from employment with limitations or restrictions**  
 29 **that is entered after the employee's occupational disease, if**  
 30 **any.**

31 **STEP TWO: Determine the employee's average weekly**  
 32 **earnings from employment before the employee's**  
 33 **occupational disease.**

34 **STEP THREE: Determine the greater of:**

35 **(A) the STEP TWO result minus the STEP ONE result; or**

36 **(B) zero (0).**

37 **STEP FOUR: Determine the lesser of:**

38 **(A) the STEP THREE result; or**

- 1           **(B) seven hundred sixty-two dollars (\$762).**
- 2           **(d) Not later than sixty (60) days after the employee's release to**
- 3           **return to work with restrictions or limitations, the employee must**
- 4           **receive notice from the employer on a form provided by the board**
- 5           **that informs the employee that the employee has been released to**
- 6           **work with limitations or restrictions. The notice must include:**
- 7               **(1) an explanation of the limitations or restrictions placed on**
- 8               **the employee;**
- 9               **(2) the amount of disabled from trade compensation the**
- 10              **employee has been awarded; and**
- 11              **(3) information for the employee regarding the terms of this**
- 12              **section.**
- 13           **(e) Disabled from trade compensation is in addition to any other**
- 14           **compensation awarded to an employee as a result of a temporary**
- 15           **total disability or a permanent partial impairment.**
- 16           **(f) An employer may unilaterally convert an award of**
- 17           **compensation for a temporary total disability or a temporary**
- 18           **partial disability into disabled from trade compensation by filing**
- 19           **a copy of the notice required under subsection (d) with the board."**
- 20           Renumber all SECTIONS consecutively.  
               (Reference is to HB 1556 as introduced.)

**and when so amended that said bill do pass.**

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Representative Liggett